

1 ALAN R. SMITH, ESQ.

Nevada Bar No. 1449

2 KEVIN A. DARBY, ESQ.

Nevada Bar No. 7670

3 Law Offices of Alan R. Smith

505 Ridge Street

4 Reno, Nevada 89501

Telephone (775) 786-4579

5 Facsimile (775) 786-3066

Email: mail@asmithlaw.com

6 Attorney for Lenders Protection Group

7 JANET L. CHUBB, ESQ.

8 Nevada Bar. No. 176

LOUIS M. BUBALA, III, ESQ.

9 Nevada Bar No. 8974

Jones Vargas

10 100 W. Liberty St., 12th Floor

Reno, NV 89501

11 Telephone (775) 788-2205

Facsimile (775) 786-1177

12 Email: jlc@jonesvargas.com

13 Attorney for The Jones Vargas

Direct Lenders

15 UNITED STATES BANKRUPTCY COURT

16 DISTRICT OF NEVADA

17 —ooOoo—

18 In Re:

USA COMMERCIAL MORTGAGE

19 COMPANY, et al.

20 Debtors.

Case Nos.:

BK-S-06-10725-LBR

BK-S-06-10726-LBR

BK-S-06-10727-LBR

BK-S-06-10728-LBR

BK-S-06-10729-LBR

JOINTLY ADMINISTERED

Chapter 11

22 Affects:

23 ☒ All Debtors

24 ☐ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

25 ☐ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital First Trust Deed Fund, LLC

26 ☐ USA Securities, LLC

Hearing Date: N/A

Hearing Time: N/A

**EX PARTE MOTION FOR ORDER
SHORTENING TIME TO HEAR
APPELLANTS' MOTION FOR
LIMITED STAY PENDING APPEAL**

1 The Lenders Protection Group, a group of investors/lenders in USA Commercial
 2 Mortgage Company ("USACM"), as identified on the *Statement Of The Law Offices Of Alan*
 3 *R. Smith Pursuant To Bankruptcy Rule 2019* filed herein on December 6, 2006, and as
 4 supplemented thereafter ("LPG"), through its counsel, Alan R. Smith, Esq., and the Charles
 5 B. Anderson Trust; Rita P. Anderson Trust; Baltes Company; Kehl Family Members and
 6 Mojave Canyon, Inc., through its counsel Janet L. Chubb, Esq. of Jones Vargas (the "Jones
 7 Vargas Direct Lenders") (the LPG and the Jones Vargas Direct Lenders shall collectively be
 8 referred to as "Appellants"), hereby moves this Court for an order shortening time for notice
 9 and hearing on its *Motion For Limited Stay Pending Appeal* ("Motion") filed by Appellants
 10 on February 20, 2007.

11 Pursuant to the Motion, Appellants seek a limited stay of certain provisions of this
 12 Court's *Order Confirming The "Debtors' Third Amended Joint Chapter 11 Plan Of*
 13 *Reorganization," As Modified Herein* (the "Confirmation Order") pending resolution of
 14 Appellants' appeal of the Confirmation Order. Appellants only seek to stay the disbursement
 15 of certain segregated funds that are comprised of portions of post-petition, and continuing
 16 post-confirmation, payments made by third-party borrowers to Appellants, which are received
 17 and processed by the Debtors as a loan processor. Appellants do not seek to stay on going
 18 disbursements of regular monthly payments on performing loans to Direct Lenders, but only
 19 seek to stay the disbursement of the Segregated Funds, as defined in the Motion.

20 Time is of the essence in resolving the issues raised in the Motion because Appellants
 21 are threatened with irreparable harm if the Motion is not promptly heard. Specifically, without
 22 a prompt hearing regarding the requested stays, Appellants may suffer irreparable harm
 23 because the Debtors may liquidate all of their assets under the Plan, leaving no available funds
 24 to remedy harm to Appellants.

25 Local Rule 9021 provides that the Court may shorten time in appropriate circumstances
 26 for good cause. Based upon the foregoing, Appellants believe that good cause exists for
 27 shortening time for notice and hearing of their Motion. Appellants' attorney (or his
 28 designated employee) has contacted the principal parties affected by the subject Motion and

1 their agreement and comments are set forth in the ATTORNEY INFORMATION SHEET
2 filed separately.

3 WHEREFORE, Appellants respectfully requests that the Court shorten the time for
4 notice of hearing on the Motion, and that the hearing on said Motion be set as soon as possible
5 and as is convenient to the Court's calendar.

6 DATED this 20th day of February, 2007.

7
8 LAW OFFICES OF ALAN R. SMITH

9 /s/ Alan R. Smith

10 By

ALAN R. SMITH, ESQ.

Attorney for the Lenders Protection Group